

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**THE ESTATE OF JESSIE LEE  
WILLIAMS, JR., DECEASED, BY  
AND THROUGH HIS NEXT  
FRIEND AND LEGAL REPRESENTATIVE,  
TERRY WILLIAMS, ADMINISTRATOR  
OF THE ESTATE OF JESSIE LEE WILLIAMS, JR. PLAINTIFF**

**VS. CIVIL ACTION NO.: 1:06cv196LG-RHW**

**HARRISON COUNTY, MISSISSIPPI, *et al.* DEFENDANTS**

**SUPPLEMENTAL MOTION TO CORRECT TITLE OF NOTICES  
& AMENDED MOTION TO PROCEED WITH DISCOVERY**

COMES NOW the Plaintiff in the above styled and numbered cause, by and through his counsel of record, and files this, his Supplemental Motion to Correct Title of Notices & Amended Motion to Proceed with Discovery, and for cause would respectfully submit the following, to-wit:

1. On September 29, 2006, the Plaintiff filed his Motion to Correct Title of Notices & Amended Motion to Proceed with Discovery (Docket # 41).
2. Since filing the Motion, the Plaintiff has learned of reports prepared by experts employed by the Department of Justice relative to the operations of the Harrison County Adult Correction Center, having been prepared pursuant to a Consent Decree filed with this Court in the case styled *United States of America versus Harrison County, Mississippi, et al.*, Civil Action 1:95cv5(GR), reveal “a very disturbing pattern of misuse of force” at the Detention Center, said pattern having been discovered prior to July of 2005 and prior to the beating death of Jessie Lee Williams.

2. On October 25, 2006, one of the named Defendants in this action, George Payne, Jr., filed his Supplement to 2006 Third Quarter Report in Civil Action 1:95cv5(GR) [Document 89]. Attached to the Supplement as Exhibit “A” is a letter dated July 20, 2005, written by William G. Maddox, Senior Trial Attorney, Special Litigation Section of the Department of Justice, to George Payne, Jr., Sheriff of Harrison County, Mississippi, and to Joseph R. Meadows, Attorney for the Harrison County Board of Supervisors, both named Defendants herein. (See the July 20, 2005, letter incorporated herein and made a part of this filing as Attachment 1.)

3. Throughout the July 20, 2005, letter, DOJ Attorney Maddox references the reports of two (2) consultants or experts, Steven Martin and Dr. John May, that inspected the Harrison County Adult Detention Center. (See the first paragraph of Attachment 1.) From a reading of the July 20, 2005, letter it appears that the Defendants, Sheriff George Payne and the Harrison County Board of Supervisors, had notice of the unsafe conditions and knowledge of the pattern of abuses that ultimately resulted in Jessie’s death.

4. Specifically stated in letter of July 20, 2005, the DOJ and its experts/consultants ***“With regard to at least four incidents, we have serious concerns over the nature of the misuse of force, the lack of appropriate review of the incidents, and the failure to properly investigate the incidents.”***

5. Additionally, the July 20, 2005, letter contains language discussing concerns relative to the medical and mental health care provided to the inmates at the Harrison County Adult Detention Center. Health Assurance LLC, and the employees of Health Assurance LLC, are named Defendants in this litigation presently pending before this Court, and the medical care or lack thereof as provided to Jessie Lee Williams, Jr., is a subject of this lawsuit. Additionally, the beating of Jessie

Lee Williams, Jr., occurred in the booking area at the Harrison County Adult Detention Center. From a reading of the July 20, 2005, letter from the DOJ to the Defendants, it appears the experts/consultants employed by the DOJ had concerns specifically related to the “booking” of inmates and the medical attention and care provided.

6. Your Plaintiff moves that this Court order that the discovery be opened in this case and that he be provided with copies of *all* reports rendered by the experts/consultants employed by the Department of Justice relative to the inspections of the Harrison County Adult Detention Center as mandated by the Consent Decree as filed and of record in case styled *United States of America versus Harrison County, Mississippi, et al.*, Civil Action 1:95cv5(GR), including the 2005 reports of Steven Martin and Dr. John May that are referenced in the DOJ’s July 20, 2005, letter.

7. Additionally, it has been brought to the undersigned’s attention that this Court has, subsequent to the decision herein, allowed civil discovery to proceed in a case where criminal charges had against a civil defendant. If the undersigned’s belief is mistaken, he stands to be corrected by this Court. However, justice requires consistency in such rulings.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff prays and renews it previous request that this Honorable Court will grant him leave to proceed will discovery in this civil, said discovery to be limited to the below matters:

- (1) Jurisdictional Defenses;
- (2) Insurance Liability Policies, the content of said the policies, and assets sufficient to cover liability in the event of a judgment;
- (3) Depositions of the three defendants named in the Proposed Notices of Depositions, namely Major Dianne Gatson-Riley Kelly Knight and Phil Taylor;
- (4) Depositions and written discovery of the Defendants, the American Correctional Association, the City of Gulfport through its agents, the Harrison County Board of

Supervisors, and the Health Assurance, LLC and its agents and employees; AND

- (5) Discovery of all reports prepared by the experts/consultants employed by the Department of Justice having been prepared pursuant to a Consent Decree filed with this Court in the case styled *United States of America versus Harrison County, Mississippi, et al.*, Civil Action 1:95cv5(GR), said discovery to specially include the the 2005 reports of Steven Martin and Dr. John May that are referenced in the DOJ's July 20, 2005, letter made a part herein as Attachment 1.

The Plaintiff prays for such other general relief that the Court deems just, proper and equitable herein.

RESPECTFULLY SUBMITTED, this the 27th day of October, 2006.

By: s/ John H. Whitfield  
JOHN H. WHITFIELD  
John H. Whitfield, (MS Bar # 7162)  
P.O. Box 351  
Biloxi, MS 39533-0351  
228-432-7676 (phone)  
228-432-8998 (fax)  
email: [johnwhitfield@bellsouth.net](mailto:johnwhitfield@bellsouth.net)

MICHAEL W. CROSBY, (MS BAR# 7888)  
2111 25<sup>TH</sup> AVENUE  
GULFPORT, MISSISSIPPI 39501  
228-865-0313 (phone)  
228-865-0337 (fax)  
email address: [michaelwcrosby@bellsouth.net](mailto:michaelwcrosby@bellsouth.net)

**CERTIFICATE OF SERVICE**

I, John H. Whitfield, do hereby certify that on October 27, 2006, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Lindy Denise Brown lbrown@watkinseager.com; bpedersen@watkinseager.com;  
Jeffrey S. Bruni jbruni@ci.gulfport.ms.us; khale@ci.gulfport.ms.us  
Maria Candace Burnette cburnette@mcglinchey.com; asullivan@mcglinchey.com;  
James L. Davis, III JamesLDavisIII@aol.com  
Paul B. Eason beason@mcglinchey.com; asullivan@mcglinchey.com;  
agates@mcglinchey.com; alforster@mcglinchey.com;  
Cyril T. Faneca Cy@ddkf.com; Mary@ddkf.com; Peggy@ddkf.com;  
BRLong@ddkf.com; Ozerden@ddkf.com; Trace@ddkf.com;  
hbroom@ddkf.com  
James Bailey Halliday JBHALLIDAYESQ@EARTHLINK.NET  
Walter T. Johnson wjohnson@watkinseager.com; lsaven@watkinseager.com;  
Joseph R. Meadows jmeadows@datasync.com; ritapls@datasync.com;  
Robert W. Smith rwsmithatty@bellsouth.net; smtbabs@aol.com;  
Karen Jobe Young kyoung@datasync.com; ritapls@datasync.com

This the 27th day of October, 2006.

By: s/ John H. Whitfield  
JOHN H. WHITFIELD  
John H. Whitfield, (MS Bar # 7162)  
P.O. Box 351  
Biloxi, MS 39533-0351  
228-432-7676 (phone)  
228-432-8998 (fax)  
email: johnwhitfield@bellsouth.net

MICHAEL W. CROSBY, (MS BAR# 7888)  
2111 25<sup>TH</sup> AVENUE  
GULFPORT, MISSISSIPPI 39501  
228-865-0313 (phone)  
228-865-0337 (fax)  
email address: michaelwcrosby@bellsouth.net